

IT IS ORDERED as set forth below:

Date: May 15, 2025



A handwritten signature in black ink, appearing to read "Lisa Ritchey Craig", is written over a horizontal line.

Lisa Ritchey Craig
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:

NUTRACAP HOLDINGS, LLC,
Debtor.

Chapter 11

Case No. 25-50430-LRC

**ORDER ON DEBTOR’S OMNIBUS MOTION TO EXTEND DEADLINE TO
ASSUME OR REJECT UNEXPIRED REAL PROPERTY LEASES**

This matter is before the Court on Debtor’s Omnibus Motion to Extend Deadline to Assume or Reject Unexpired Real Property Leases (the “**Motion**”) [Doc. 91]¹ by 90 days for the unexpired leases of nonresidential real property between Nutracap Holdings, LLC as tenant and CI ATL III-GW, LLC (“**CI ATL**”), HMI Atlanta V, LLC (“**HMI Atlanta**”), HM Peachtree Corners I, LLC

¹ All undefined, capitalized terms contained herein shall have the meaning ascribed to them in the Motion.

(“**HM Peachtree**”), and Norcross Tucker Property, LP (“**Norcross Tucker**”), as landlords. On April 28, 2025, HMI Atlanta, HM Peachtree Corners, and Norcross Tucker filed an Objection to the Motion (the “**Objection**”) [Doc. 106].² The Motion was originally scheduled to be heard on April 17, 2025, but was reset to May 14, 2025 (the “**Hearing**”). Prior to the May 14, 2025 Hearing, the parties conferred and agreed to the relief set forth herein which terms were announced on the record at the Hearing. The Court having considered the Motion, the representations of counsel at the Hearing, and all other matters of record, including the agreement of the parties hereto, and finding that the relief requested is in the best interests of Debtor’s estate and in the best interests of its creditors and other parties in interest; and after due deliberation; and for good cause shown; it is hereby **ORDERED**

- 1) The Motion is **GRANTED** in part and **DENIED** in part as set forth herein.
- 2) At the hearing, Debtor announced that it was no longer pursuing additional time to assume or reject the 6600 Jimmy Carter Lease and the 6550 Jimmy Carter Lease. As a result, the Motion to extend as to the forgoing leases is **DENIED**.
- 3) With respect to the Brook Hollow Lease, the Debtor shall pay CI ATL two installments as follows: \$29,871.37 within two business days of the entry of this Order, and \$29,871.36 within fourteen calendar days of the entry of this Order. Debtor shall timely pay CI ATL the June 2025 rents and related obligations and shall continue to timely pay all subsequent rent owed under the Brook Hollow Lease in accordance with the terms of the Lease.
- 4) With respect to the Pacific Drive Lease,³ the Debtor shall comply with the terms of the Consent Order on Motion for an Order Modifying the Automatic Stay to Permit Movant

² The Objection was originally listed with CI ATL, but was subsequently amended to include Norcross Tucker as the proper party to the Objection, instead of CI ATL. *See* Doc. 107.

³ The Motion stated the Debtor is seeking to assume Suite C of the lease; however, the lease was amended to include Suite A also located at the same address. The extension of time to assume or reject the Pacific Drive Lease encompasses the entire premises, including Suite A and Suite C.

- to Recapture Certain Leased Premises filed by HMI Atlanta being entered contemporaneously herewith, including but not limited to paying HMI Atlanta two installments as follows: \$20,534.59 within two business days of the entry of this Order, and \$20,534.59 within fourteen calendar days of the entry of this Order. Debtor shall timely pay HMI Atlanta the June 2025 rents and related obligations and shall continue to timely pay all subsequent rent owed under the Pacific Drive Lease in accordance with the terms of the Lease.
- 5) With respect to the McDonough Lease, the Debtor shall comply with the terms of the Consent Order on Motion for an Order Modifying the Automatic Stay to Permit Movant to Recapture Certain Leased Premises filed by Norcross Tucker being entered contemporaneously herewith, including but not limited to paying Norcross Tucker two installments as follows: \$31,480.25 within two business days of the entry of this Order, and \$31,480.24 within fourteen calendar days of the entry of this Order. Debtor shall timely pay Norcross Tucker the June 2025 rents and related obligations and shall continue to timely pay all subsequent rent owed under the McDonough Lease in accordance with the terms of the Lease.
- 6) Pursuant to Section 365(d)(4) of the Bankruptcy Code, the time for Debtor to assume or reject the Brook Hollow Lease, the Pacific Drive Lease, and the McDonough Lease is hereby extended through and including **June 30, 2025**.

END OF ORDER

Prepared and presented by:
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/s/ Caitlyn Powers

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